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| APPLICATION NO.                | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|--------------------------------|-------------|----------------------|----------------------|------------------|
| 10/736,309                     | 12/15/2003  | Thomas E. Creamer    | BOC9-2003-0058 (429) | 5479             |
| 40987                          | 7590        | 04/20/2006           | EXAMINER             |                  |
| AKERMAN SENTERFITT             |             |                      | PHUONG, DAI          |                  |
| P. O. BOX 3188                 |             |                      | ART UNIT             | PAPER NUMBER     |
| WEST PALM BEACH, FL 33402-3188 |             |                      | 2617                 |                  |

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/736,309             | CREAMER ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Dai A. Phuong          | 2617                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's arguments, filed 03/08/2006, with respect to claims 1-18 have been considered but they are not persuasive. Claims 19-21 have been added, and claims 19-21 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fors et al. (Pub. No: 2004/0203788).

Regarding claim 1, Fors et al. disclose a gateway 214 serving as an interface between a mobile network 251 and a wireless network 210, wherein said gateway is configured to send a heightened signal strength indicator to the mobile network for prompting the mobile network to recognize the gateway as a preferred path for handing off a call (fig. 2a, [0028] to [0033]).

Regarding claim 2, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway wherein the signal strength indicator is fabricated ([0030] to [0033]).

Regarding claim 3, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway wherein the wireless network is configured according to one of the 802.11 wireless communications protocols ([0016] to [0018]).

Regarding claim 4, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway wherein the gateway 214 routes the call from the mobile network 251 to a wireless access point 210 of the wireless network via a packet-switched network 211, such that the call is conducted via a wireless communications link using the wireless access point (see fig. 2a, [0032] to [0033]).

Regarding claim 5, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway (see fig. 2b, [0019]) further comprising: a mobile network interface 251 comprising a transport interface configured to exchange mobile control channel signaling data with the mobile network and a voice channel interface configured to exchange audio data with the mobile network (see fig. 2b, [0019] and [0032] to [0033]); a mobile control and messaging component 216 configured to communicate with the mobile network via said transport interface (see fig. 2b, [0019] and [0027] to [0033]); a call control component configured 216 to format the mobile control channel signaling data from the mobile network for use over the packet-switched network (see fig. 2b, [0019] and [0027] to [0033]); a voice media conversion component 212 and 213 configured to format voice data for sending using a real-time streaming protocol over the packet-switched network (see fig. 2b, [0019] to [0022] and [0029] to [0033]); and an interface 215 to exchange call control data and voice data with the packet-switched network (see fig. 2b, [0019] and [0027] to [0033]).

Regarding claim 6, Fors et al. disclose all the limitation in claim 1. Further, Fors et al. disclose the gateway wherein the interface to the packet-switched network is a Session Initiation Protocol interface ([0021]).

Regarding claim 7, Fors et al. disclose within a gateway interface, a method of call control between a mobile network and a wireless network comprising: establishing, with a mobile network, a control messaging link for exchanging mobile control channel signaling data and a voice channel link for exchanging audio data for a mobile call (fig. 2a and fig. 2b, [0027] to [0033]); sending a heightened signal strength indicator to the mobile network for prompting the mobile network to recognize the gateway as a preferred path for handing off the mobile call ([0028] to [0033]); establishing a communications link with a packet-switched network (fig. 2a and fig. 2b, [0027] to [0033]); and routing the mobile call from the mobile network to a wireless access point via the packet-switched network, such that the call is conducted via a wireless communications link using the wireless access point (fig. 2a and fig. 2b, [0027] to [0033]). Inherently, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 8, Fors et al. disclose all the limitation in claim 7. Further, Fors et al. disclose the gateway wherein the signal strength indicator is fabricated ([0028] to [0030]).

Regarding claim 9, Fors et al. disclose all the limitation in claim 7. Further, Fors et al. disclose the gateway said routing step comprising routing the mobile call to the wireless access point via the packet-switched network using Session Initiation Protocol ([0021]-[0033]).

Regarding claim 10, Fors et al. disclose all the limitation in claim 7. Further, Fors et al. disclose the gateway wherein the wireless access point is an 802.11 compliant wireless access point and the wireless network is configured according to one of the 802.11 wireless communications protocols ([0018] and [0021]).

Regarding claims 11 and 15, this claim is rejected for the same reason as set forth in claim 7.

Regarding claims 12 and 16, this claim is rejected for the same reason as set forth in claim 8.

Regarding claims 13 and 17, this claim is rejected for the same reason as set forth in claim 9.

Regarding claims 14 and 18, this claim is rejected for the same reason as set forth in claim 10.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fors et al. (Pub. No: 2004/0203788) in view of Takano et al. (Pub. No: 20050043051)

Regarding claim 19, Fors et al. disclose a method for mobile device handoff between a mobile network and a wireless network comprising: on a mobile device 201, detecting a wireless access point 210 (fig. 2a, [0015] to [0016] and [0028] to [0033]); on said mobile network 250 and/or 251, identifying system available to handle communication with said mobile device (fig. 2a, [0028] to [0033]); and on a gateway 214 associated with said mobile device 210, indicating to said mobile network 250 and/or 251 that a heightened signal strength has been receive from

the mobile communication device for prompting the mobile network to handoff to said gateway for providing connectivity between said mobile device and said wireless access point, wherein said heightened signal strength is not indicative of actual signal strength of said mobile device (fig. 2a, [0028] to [0033]). However, Fors et al. do not disclose on said mobile device, lowering a transmission power to said mobile network; on said mobile network, detecting a lower power signal from said mobile device.

In the same field of endeavor, Takano et al. disclose on said mobile device, lowering a transmission power to said mobile network; on said mobile network, detecting a lower power signal from said mobile device ([0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of Fors et al. by specifically including on said mobile device, lowering a transmission power to said mobile network; on said mobile network, detecting a lower power signal from said mobile device, as taught by Takano et al., the motivation being in order to establish the dedicated physical channel to the base station for which reason the mobile is placed in a soft handover.

6. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fors et al. (Pub. No: 2004/0203788) in view of Takano et al. (Pub. No: 20050043051) further in view of Jain et al. (Pub. No: 20050090259).

Regarding claim 20, the combination of Fors et al. and Takano et al. disclose all the limitations in claim 19. Further, Fors et al. disclose the method further comprising authenticating a SIP user agent on said mobile device ([0019] to [0021] and [0028] to [0032]). However, the combination of Fors et al. and Takano et al. do not disclose on said mobile device,

sending an invite through a wireless network to a SIP on said gateway, forwarding said invite to said SIP server via Internet.

In the same field of endeavor, Jain et al. disclose on said mobile device, sending an invite through a wireless network to a SIP on said gateway, forwarding said invite to said SIP server via Internet ([0027] to [0033]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of Fors et al. by specifically including on said mobile device, sending an invite through a wireless network to a SIP on said gateway, forwarding said invite to said SIP server via Internet, as taught by Jain et al., the motivation being in order to provide the handoff between a wireless LAN and a cellular communication.

Regarding claim 21, the combination of Fors et al. and Takano et al. and Jain et al disclose all the limitations in claim 20. Further, Fors et al. disclose the method further comprising: upon authenticating said SP user agent, setting up an internet protocol (IP) streaming session between said gateway and mobile device ([0028] to [0033]); switching over from said mobile network to said gateway; and tearing down a call between said mobile network and said mobile device, for handing off said mobile device from a mobile network to a wireless network ([0028] to [0033]).

*Response to Argument*

7. Applicant generally argues nearly added limitations. In response, these limitations have now been treated on the merit, for details consideration see rejection above.

Applicant's arguments are general allegation of patentability. Applicant fails to particularly point out the novelty and how these distinguish from the applied prior art.

### Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2617  
Date: 04-13-2006



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PRIMARY EXAMINER